

Calendar No. 1940

86TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1869

J. BUTLER HYDE

AUGUST 22, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 6084]

The Committee on the Judiciary, to which was referred the bill (H.R. 6084) for the relief of J. Butler Hyde, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to pay to J. Butler Hyde, of Lowell, Mass., a U.S. mail clerk, the sum of \$1,283.50, on the condition that the sum, or such part thereof as may be necessary, be used to pay in full a judgment recovered against him personally in a court action that resulted from a motor vehicle accident when a mailtruck operated by him in the scope of his employment was involved in an accident.

STATEMENT

The Post Office Department recommends the enactment of the bill. In commenting on the bill, the Post Office Department has set forth the facts in the case as follows:

The records of the Department reveal that about 9:30 a.m. on April 30, 1955, a mailtruck operated by Mr. Hyde collided with the rear of an automobile operated by Mr. Gendreau in Lowell, Mass. Damage resulted to the Gendreau vehicle which was insured by the American Union Insurance Co. Mr. Gendreau refused medical attention at the scene of the

accident, but was later treated at a hospital for certain injuries.

An administrative claim for personal injuries and property damage sustained by Mr. Gendreau was not filed with the Post Office Department or against the United States. Thereafter, a civil suit against Mr. Hyde in his individual capacity was filed by Mr. Gendreau joined by the American Union Insurance Co., as subrogee. The suit resulted in a finding by the U.S. district court at Boston, Mass., for plaintiffs in an amount totaling \$1,283.50.

The facts indicate that the Government employee was negligent in operating the post office vehicle, and, if an administrative claim had been filed by Mr. Gendreau within the limitation of the Department, it probably would have been paid. Further, it is believed that if he had filed a suit against the United States, the suit probably would have been compromised if a reasonable settlement was proposed. Under these circumstances, the Department believes it to be unfair to require that the postal employee pay such judgment without reimbursement.

The committee believes that the bill is meritorious and recommends it favorably.

Attached and made a part of this report is a letter, dated June 10, 1960, from the Post Office Department.

POST OFFICE DEPARTMENT,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., June 10, 1960.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for a report on H.R. 6084, a bill for the relief of J. Butler Hyde.

The bill proposes to pay to J. Butler Hyde, 45 Durant Street, Lowell, Mass., the sum of \$1,283.50 which represents "the aggregate amount of a judgment (consisting of \$900 for personal injury and \$383.50 for property damage) rendered against the said J. Butler Hyde in favor of Arthur W. Gendreau as a result of an accident involving a mailtruck operated by Mr. Hyde in the scope of his employment, and an automobile owned and operated by Mr. Gendreau. The payment of such amount is subject to a condition that Mr. Hyde "shall use such sum, or such part thereof as may be necessary to pay in full the amount of his indebtedness to the said Arthur W. Gendreau on account of such judgment."

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In view of the foregoing, this Department recommends the enactment of H.R. 6084.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee.

Sincerely yours,

LEO G. KNOLL,
Acting General Counsel.

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